

traversed and, in any event, are deemed moot in light of the above amendments to those claims. Reconsideration is requested.

The Office Action indicates that Claim 27 is indefinite but does not include that claim in the rejection under § 112. Applicants have assumed that the Examiner intended to include that claim in the § 112 rejection. We submit, however, that one of ordinary skill in the art would consider Claims 1-30 to be reasonably clear and definite and would certainly delimit the metes and bounds of the invention claimed herein.

Of course, to the extent that the Examiner deems other changes to be appropriate merely to improve readability unrelated to patentability, he is requested to contact the undersigned in an effort to expedite allowance of this application.

The rejection of Claims 27 and 30 as being anticipated by Ressencourt under 35 U.S.C. § 102(b) is traversed, and reconsideration is requested.

The Ressencourt machine is not one which carries out a method in which the machining device with local energy feed is movable in multiple planes. The laser cutting head is one that is retracted within one of the columns of the press frame when it is not in service. The laser cutting head is so configured that both the mechanical working means and the laser operate on a single and common axis. The laser head is brought from its working position in which it is coaxial with the axis 26 to its rest position in which it is fully retracted within the recess

51 of the column 1(b) of the press frame. There is not the slightest teaching or suggestion of using a device which has the flexibility of traversing in multiple directions, particularly by way of a separate station in which a machining device has a local energy feed to machine work pieces.

For similar reasons, the rejection of Claims 19-22 as being anticipated by JP '329 is traversed, and reconsideration is requested.

It appears that the laser beam in the JP '329 document is fixed in position with the materials to be processed moving past the laser beam. There is not the slightest teaching or even suggestion of a machining device with a local energy feed in which the device is configured to be movable in multiple planes and is arranged as a separate station of the forming system.

The rejection of Claims 1-8, 10, 11, 17, 18, 23, 25, and 27-30 as being anticipated by EP '799 under 35 U.S.C. § 102(b) is traversed, and reconsideration is requested.

The head of the laser processor is movable in only one plane, not multiple planes. There is not the slightest teaching or suggestion in EP '799 of providing a forming system in which there is flexible traversing of the machining device with the local energy feed so that machining can take place by way of a separate station in all directions. In the present invention, as seen in Figs. 1-4, the laser or beam processing can take place in virtually any desired position because of the arrangement of the device which is movable in multiple planes.

The present invention thus allows laser or beam processing during the conveyance through the forming system by way of transport devices which move the workpieces to the next station in the system.

The statement in the Office Action that the EP '799 document involves a machine in which the laser processor moves in multiple planes is not correct. The laser processor moves in multiple directions in one plane. That is, it moves forward and back and side to side.

For similar reasons, the rejection of Claims 24 and 26 as being unpatentable over EP '799 and the rejection of Claims 9 and 12-16 as being unpatentable over EP '799 in view of Koser, both under 35 U.S.C. § 103(a) are traversed, and reconsideration is requested.

The burden is on the Patent and Trademark Office to establish, based on substantial record evidence, that any modifications of a reference would have been obvious. The statement that the modification of EP '799 would have been a matter of obvious design choice does not constitute such substantial record evidence. It is merely speculative and ignores the fact that the arrangement of a machining device between two forming stations provides the benefits set forth in the specification, namely the greatest amount of flexibility possible which is important in the production of work pieces such as car doors and the like which can be fairly large and require minimum amounts of handling to the extent possible.


In addition, we submit that one of ordinary skill in the art would not have looked to the Koser pipe bending apparatus to modify the progressive die machine shown in EP '799, particularly in the manner suggested in the Office Action. Only impermissible hindsight has led to the citation of Koser and its hypothetical combination with EP '799.

Accordingly, reconsideration and favorable action upon the claims in this application are earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #852/48375).

Respectfully submitted,



James F. McKeown
Registration No. 25,406

EVENSON, McKEOWN, EDWARDS
& LENAHA, P.L.L.C.
1200 G Street, N.W., Suite 700
Washington, DC 20005
Telephone No.: (202) 628-8800
Facsimile No.: (202) 628-8844

APPENDIX TO AMENDMENT

(Marked-up version of amended claims)

Please amend claims 1, 6, 19, and 27 as follows:

1. (Twice Amended) A forming system for forming workpieces, comprising a plurality of stations, at least one forming tool, and at least one machining device with a local energy feed for machining the workpieces is arranged as a separate station within the forming system.

6. (Amended) The system according to claim 5, wherein the at least one machining element is configured to be movable in a path-controlled manner with respect to the workpieces.

19. (Twice Amended) A forming system for forming workpieces, comprising a plurality of stations, at least one forming tool, and at least one machining device with a local energy feed for machining the workpieces is ^{shaped?} configured to be movable in multiple planes and is arranged as a separate station within the forming system, wherein the at least one machining device is provided with at least one machining element for machining the workpieces and is arranged within the at least one forming tool.

27. (Amended) A process for forming workpieces [by means of at least one forming tool], comprising [carrying out a] the step of machining [of] the workpieces by at least one machining device with a local energy feed in a system cycle, and moving the at least one machine device in multiple planes.